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**MAILED**  
**SEP 12 2012**  
**OFFICE OF PETITIONS**

*In re* Patent No. 6,212,932  
Issue Date: April 10, 2001  
Appl. No.: 09/356,540  
Filed: July 19, 1999  
Inventor: Parker, James R.  
For: **PNEUMATIC SHEAR FOR FORMING  
STRUCTURAL LOUVERS**

**DECISION ON PETITION**

This is a decision on the petition filed November 1, 2011 under 37 CFR 1.182 to expunge the Assignment Agreement previously recorded against the above-identified application. In particular, the petitioner request that the document recorded at reel/frame 027151/0704 be expunged.

The petition is **dismissed**. This is not a final agency action.

As discussed in section 323.01(d) of the Manual of Patent Examining Procedure (MPEP), petitions to correct, modify or "expunge" assignment records are rarely granted. Such petitions are granted only if the petitioner can prove that:

- (A) the normal corrective procedures outlined in MPEP § 323.01(a) through § 323.01(c) will not provide the petitioner with adequate relief; and
- (B) the integrity of the assignment records will not be affected by granting the petition.

Petitioner has not proven items A and B. Petitioner states that the information contained in the Assignment Agreement has not otherwise been made public and there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted.

It appears that petitioner has provided reasons for expungement of information under 37 CFR 1.59(b) as opposed to giving reasons for correcting errors in recorded assignment documents in accordance with MPEP § 323. Expungement of an Assignment Agreement is not available under 37 CFR 1.59(b) because the information was not submitted in the application for patent.

Here, petitioner seeks an extraordinary remedy, properly addressed under 37 CFR 1.182. The USPTO will not normally resort to an extraordinary remedy under 37 CFR 1.182 if the rules of

practice and the procedures before the USPTO already provide an avenue for the requested relief. See Cantello v. Rasmussen, 220 USPQ 664, (Comm'r Pats. 1982).

As background, the USPTO simply acts in a ministerial capacity in recording documents that have been submitted for recordation. See 35 USC 261 and 37 CFR 3.11. However, the recording of a document pursuant to 37 CFR 3.11 is **not** a determination by the USPTO of the validity of the document *per se* or the effect that document has on the title to a patent or application. See 37 CFR 3.54. Moreover, it is USPTO policy to maintain a complete history of claimed interests in a given property, and, as such, a recorded assignment document will be retained, even if it is subsequently found to be invalid. In re Raney, 24 USPQ2d 1713 (Comm'r Pat. 1992).

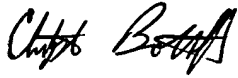
As set forth in MPEP 323, an error in a recorded assignment is not corrected by invalidating the previous document, but by simply submitting a "corrective document" that explains the nature of the recorded document so as to clarify the assignment records. "Corrective documents" are not limited to assignments, but include any documents affecting title to a patent or application. See MPEP § 313. This would include an explanation of the recorded document so as to clarify the assignment records. The "corrective document" must include 1) a copy of the original assignment document with the corrections made therein. The corrections must be initialed and dated by the party conveying the interest; and 2) a new Recordation Form Cover Sheet (form PTO-1595). The new recordation form cover sheet must identify the submission as a "corrective document" submission and indicate the reel and frame number where the incorrectly recorded assignment document appears. The person signing the new recordation form cover sheet must state that the information provided on the new cover sheet is true and correct and that any copy submitted is a true copy of the original document. The original cover sheet should be submitted with the corrective document. The corrective document will be recorded and given a new reel and frame number and recording date. The recording fee set forth in 37 CFR 1.21(h) is required for each patent application and patent against which the corrective document is being recorded. See MPEP § 302.06.

Therefore, the rules of practice and the procedures before the USPTO provide an avenue for the requested relief without relying upon extraordinary measures. As a request for the Office to invalidate an assignment is both extraordinary and contrary to USPTO policy, this petition must be dismissed.

Also, the petition suggests that the unintentionally recorded document contains proprietary information. In the event that the corrective procedures discussed above are not sufficient, a copy of the unintentionally recorded document that redacts the sensitive information without disturbing the remainder of the document's content may be recorded as a replacement for the document with proprietary information. Prior to expungement of the document with proprietary information, the old and new documents will be closely compared to ensure that only sensitive information is removed from the publicly available records.

In addition, a petition to expunge assignment documents is properly addressed under 37 CFR 1.182, which requires a fee of \$400.00. Accordingly, \$400.00 has been charged to the Deposit Account given in the petition, as authorized.

Telephone inquiries concerning this communication should be directed Jose Dees at (571)272-1569.

A handwritten signature in black ink, appearing to read "Chris Bottorff", written in a cursive style.

Christopher Bottorff  
Petitions Examiner  
Office of Petitions